

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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JOHN ELLERSICK, DAVID ELLERSICK, LEWIS C.  
YOUNGS, JR., RICHARD CURRY, JR., and  
RICHARD H. TEMPLE, on behalf of themselves and  
all other employees similarly situated,

Plaintiffs,

v.

MONRO MUFFLER BRAKE, INC. and MONRO  
SERVICE CORPORATION,

Defendants.

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**No. 10-cv-6525G(P)**

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SEAN HOHLT, AARON ROBINSON, ANTHONY  
GIACONOZZI, and ROBERT HEANEY, on behalf of  
themselves and all other employees similarly situated,

Plaintiffs,

v.

MONRO MUFFLER BRAKE, INC.,

Defendant.

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**No. 14-cv-6154FPG**

**UNOPPOSED MOTION FOR PRELIMINARY SETTLEMENT APPROVAL**

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**Unopposed Motion by:**

Plaintiffs John Ellersick, David Ellersick,  
Lewis C. Youngs, Jr. and Richard Curry, Jr.,  
and Richard H. Temple on behalf of  
themselves and all others similarly situated,  
and Sean Hohlt, Aaron Robinson, Anthony  
Giaconozzi, and Robert Heaney, on behalf of  
themselves and all other employees similarly  
situated.

**Relief Requested:**

An Order granting (1) certification of the Parties' proposed Settlement Class under Fed. R. Civ. P. 23 for purposes of settlement; (2) preliminary approval of the Settlement Agreement; (3) approval of the Parties' Settlement Notice and plan of distribution; and (4) an Order setting dates for the Final Approval Hearing.

**Basis for Relief Requested:**

FLSA, 29 U.S.C. § 201, *et seq.*; Fed R. Civ. P. 23

**Supporting Papers:**

Memorandum in Support of Unopposed Motion for Preliminary Settlement Approval; Declaration of Rachhana T. Srey with attached exhibits; and Proposed Order.

**Place:**

United States District Court  
Western District of New York  
100 State Street  
Rochester, New York 14614

**Date and Time:**

March 1, 2018  
11:00am Eastern  
Telephonic Hearing  
(ECF 252)

Respectfully submitted,

Date: February 16, 2018

**NICHOLS KASTER, PLLP**

/s/Rachhana T. Srey  
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**ATTORNEYS FOR PLAINTIFFS**